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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,635	03/09/2004	Justin Ridge	944-001.131	4746
4955 7590 07/13/2009 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER FINDLEY, CHRISTOPHER G				
ART UNIT 2621		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/797,635

Applicant(s)

RIDGE ET AL.

Examiner

CHRISTOPHER FINDLEY

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

Continuation of 11, does NOT place the application in condition for allowance because:

Re claim 4, the Applicant contends that the combination of Koto and Kim would drastically change the principle of operation of the encoder as disclosed by Koto wherein the predictive macroblock selector 120 calculates the difference between each of the predictive block signals 130 to 133 generated by the predictive macroblock generator 119 and the video macroblock signal extracted from the input signal video signal 100, and selects one of the predictive macroblock signals which exhibits a minimum error for each video macroblock. However, the Examiner respectfully disagrees. The claim language states "selecting M reference frames for a given original video frame... wherein M is a positive integer equal or greater than 1." As noted by the Applicant, both Koto and Kim disclose calculating differences between a current frame and at least one reference frame, which falls into the claimed range. As also noted by the Applicant, the combination of Koto and Kim would only be able to utilize Kim's disclosure of SAD for signal 131 of Koto's Fig. 1. However, the Examiner respectfully disagrees that this renders the combined system unuseable for the claimed method. Koto discloses that "The predictive macroblock selector 120 calculates the difference between each of the predictive macroblock signals 130 to 133 generated by the predictive macroblock generator 119 and the video macroblock signal extracted from the input video signal 100, and selects one of the predictive macroblock signals which exhibits a minimum error for each video macroblock" (Koto: paragraph [0059]). Since the selector in combined system would compare signal 131 with the other signals 130, 132, and 133 in order to select the predictive macroblock signals which exhibits a minimum error for each video macroblock, the combined system utilizes the signal 131 in the determination of which predictive macroblock is chosen. Therefore, the combination meets the claim language reciting "obtaining a block difference at least partially from a summation of absolute values of differences between individual coefficients in each of said rectangular blocks of coefficients and corresponding individual coefficients in said at least one reference block of coefficients; and optimizing the offset at least partially based on the block difference." (emphasis added)

Re claim 7, the Applicant contends that the combined system of Koto and Kim fails to teach or suggest that "the index is indicative of a variance in the block difference," as recited in the claim language. The Examiner respectfully notes that claim 7 was rejected under Koto in view of Kim in view of Wiegand, as set forth in the Final Rejection mailed 4/02/2009. The disputed portion was rejected with respect to Wiegand. Therefore, this argument is moot.

Re claim 10, the Applicant contends that the prior art cited fails to teach or suggest that the set of M reference frames is divided into N sub-sets, such that each of the M reference frames belong to precisely one of the N sub-sets so that the optimal offset is computed for each of the N sub-sets. However, the Examiner respectfully disagrees. By selecting certain reference frames from the entirety of possible reference frames, the frames are being grouped by default.